

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES HALL,)	
)	
Plaintiff,)	
)	
v.)	Civ. Action No. 14-890-GMS
)	
WARDEN DAVID PIERCE, et al.,)	
)	
Defendants.)	

MEMORANDUM

The plaintiff, James Hall ("Hall"), a former inmate at the James T. Vaughn Correctional Center ("VCC"), Smyrna, Delaware, filed this lawsuit as a motion for injunctive relief on July 8, 2014. (D.I. 3, 4, 5.) Hall filed an amended complaint on August 19, 2014 and it was stricken by the court. (D.I. 11.) The matter proceeds on the combined motion/complaint. (D.I. 15, 16.) Hall proceeds *pro se* and has been granted leave to proceed *in forma pauperis*. (D.I. 12, 26.) The defendants recently filed an opposition to the motion for injunctive relief. (D.I. 27.)

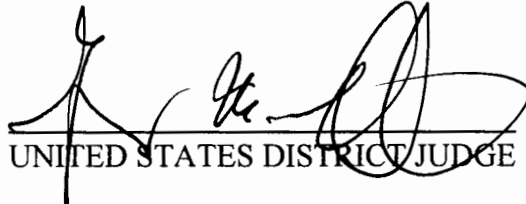
In compliance with an order by this court, Hall advised the court that he wished the matter to proceed as a civil rights action pursuant to 42 U.S.C. § 1983. The motion/complaint alleges violations of Hall's right to due process with regard to his conditions of confinement, beginning on May 19, 2014 when he was sent to the maximum housing unit. Hall was a pretrial detainee. Hall sought an order to compel the defendants to provide Hall with a disciplinary report or incident report to justify his housing assignment or, to move him to general population.

The defendants oppose the motion on the grounds that it is moot, given Hall's release from prison. In addition, the defendants indicate that, because there is not a formal complaint

before the court, they are unable to file an answer. (D.I. 27.) Hall concedes that the relief he sought may be moot, but other relief and claims are viable.

In light of the posture of the case, the court will deny the motion for injunctive relief without prejudice and as moot. Hall will be given leave to amend so that the defendants may file an answer to the allegations raised against them. Hall may not raise claims that do not arise out of the same transaction or occurrence and do not involve issues of law or fact common to the original defendants.

An appropriate order will be entered.



UNITED STATES DISTRICT JUDGE

July 17, 2015
Wilmington, Delaware